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Supreme Court, U.S.
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No. 97-1299

IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 1997

WOODROW WILLIAMS, JR.
AND
GERALDINE J. WILLIAMS

Petitioners,

- v -

SHERWIN E. TURK
AND
RASHEL TURK

Respondents.

On Petition For Writ of Certiorari
To The Court of Appeals, Annapolis, Maryland

PETITIONERS' RESPONSE TO RESPONDENTS IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

Woodrow Williams, Jr.
Geraldine Williams
pro se
110 Water Street
Gaithersburg, MD 20877
(301)258-9592

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PETITIONERS' RESPONSE

The Appellants' want to emphasis that this case arose out of a foreclosure that was absolutely precluded from taking place by the very case that the United States Supreme Court upheld and set the precedence for all foreclosures while under protection of the Bankruptcy Court as held in "Timbers of Inwood". The Petitioners' equity in their primary residence is substantial.

The Petitioners are now senior citizens and their primary residence represented their entire life's work and security in the petitioners' senior years. The respondents have created havoc, loss, financial devastation, incredible pain and suffering in the Petitioners' life.

The United States Supreme Court is charged with the responsibility of protecting citizens' rights under the law and their primary residences. Every case that has come before the United States Supreme Court involving a person's primary residence, the United States Supreme

Court has granted Certiorari, even where the Questions were the same. In this case, the primary residence is the life savings of senior citizens.

Without the intervention of this Court in the fraud against the Petitioners' by the Respondents, the Petitioners can never recover from this devastation. The Court's decision will deliver a powerful message to the entire world where HOUSING is considered to be the number ONE concern - where a senior citizen should have peace of mind and tranquility and be protected against the ravishes of fraud.

It is further alarming if this Court was to consider the inaccurate statements by the Respondents in their statement that "The Petition for Writ of Certiorari submitted by Petitioners is a confusing array of irrelevant statements, conclusions, and arguments. Petitioners have failed to present with accuracy, brevity, and clarity whatever is essential to a ready and adequate understanding

of the points requiring considering....". WITHOUT A DOUBT, IF THE RESPONDENTS HAD THE SAME SUFFERING, LOSS, ETC., THEY WOULD PURSUE THEIR RIGHTS UNDER THE LAW JUST AS ZEALOUSLY.

The Petitioners' have raised many compelling reasons for the Court to grant Petition for Certiorari.

The Petitioners' Senior Years will be determined by the decision of this Court and this case will be an indelible mark on Society.

The audacity of the Respondent, Sherwin Turk, who is also an attorney, demonstrates his lack of respect for this Court and his lack of understanding of what a "Federal Question" is when he stated "Petitioners have not demonstrated any important federal question or conflict of decisions that requires the decision of this Court". MORTGAGES ARE FEDERAL LAW AS WELL AS FORECLOSURES THAT TAKE PLACE WHILE UNDER

THE PROTECTION OF THE BANKRUPTCY COURT, AS WELL AS QUESTIONS PERTAINING TO THE CONSTITUTION. BANKRUPTCY LAW IS FEDERAL LAW PASSED BY CONGRESS. The Debtors have certain protection under the law while in bankruptcy and these protection were deliberately manipulated and tampered with by the respondents so as to defraud the petitioners of their primary residence. Bankruptcy Law, "Timbers of Inwood", foreclosure, and a mortgage (all Federal Law) are all a part of the Petitioners plea to this Court.

The Petitioners reiterate further that this Court not ignore the following as expounded on in their Petition for Writ of Certiorari:

- **There was no "lift stay hearing" and therefore the foreclosure was invalid and must be overturned according to the Law.**
- **The Consent Order was not signed by the Petitioners and the Petitioners had no knowledge of this**

consent order until five days before the foreclosure while still under the protection of the bankruptcy court. The Consent Order also had five errors in the Order rendering the Order invalid. An erroneous Consent Order cannot uphold a foreclosure.

- **The respondents are known foreclosers. The respondents had already foreclosed on another property in Potomac besides the petitioners' primary residence and then the respondents lied under oath to the Court stating that they had no where to go and then continued to live where they had been living for a year longer while only giving the petitioner's a week to find a place to live and move out (impossible after 20 years in a primary residence) and then physically throwing them and their belongings into the street.**

- **The Court Auditor's Report is incorrect with information provided by the one foreclosing.**

- **The Respondents did not comply with the**

foreclosure requirements as outlined in the advertisement.

- **The Respondents continued to pay the real estate taxes under the name of the Petitioners for an entire year after foreclosure.**

- **Previously, the Petitioners had obtained 1,800 signatures from across the country which were mailed to the United States Supreme Court in support of the Supreme Court granting certiorari and hearing this case.**

- **11 U.S.C. 362 states that an individual injured by a violation of the automatic stay shall recover actual damages, including costs and in appropriate circumstances, may recover punitive damages.**

- **Amendment XIV of the United States Constitution provides;**

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside or their property is located.

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

CONCLUSION

This Court's decision will leave an indelible mark on Society and set a precedence as to upholding fraud or upholding Justice. This case and its consequence will go down in History.

Clearly, the Petitioners' Rights Under the Law have been violated and there must be a viable remedy to this Miscarriage of Justice.

The Turks have manipulated this Court and other Courts by their (the Turks) lies, fraud, and misrepresentations for the sake of their greed. The Turks are again before the Court with misrepresentations and lies

asking this Court to absolve them and allow them (the Turks) to dispose of the Petitioners' (the Williams') property for their (the Turks) profit.

WHEREFORE, the Petitioners request: that this Honorable Court enter an Order allowing the "Lis Pendens" to remain in effect; and

That based on all that has been presented here and in the Petitioners' Petition for Writ of Certiorari to this Honorable Court, a decree be issued that the Turks are not absolute owners and have no right of disposition of the Property; and

That this Honorable Court return the Property to the Petitioners, Geraldine and Woodrow Williams, based on defective documents, no Lift Stay Hearing being held (a foreclosure cannot take place without a lift stay hearing), that the Petitioners had no knowledge of the Consent Order and did not sign the Consent Order, that the Petitioners were in an approved Chapter 13 under Bankruptcy

protection, that the Petitioners had (have) sufficient equity in their primary residence, and that the Respondents fell into non-compliance with the foreclosure Sale requirements; and

That this Honorable Court will be instrumental in ending the nightmare and denial of the Petitioners' Legal Rights under the Law who are now Senior Citizens; and

That this Honorable Court enter an Order awarding Petitioners' costs, and such other and further relief as this Court may deem appropriate.

The simple fact and truth remains that there is on the Land Records of Montgomery an INVALID FORECLOSURE. The United States Supreme Court is ultimately responsible for correcting invalid foreclosures when they are brought to the attention of the Court. At issue is FEDERAL LAW in the Bankruptcy, Mortgage and Constitution. To deny Certiorari would be tantamount to this Court making an indelible statement to Society that

because the respondent is an attorney he is Above the Law and can wreak havoc in an entire family and defraud this family, who are senior citizens, of their entire equity in their primary residence.... and the powers that be, the trier of the facts (Judges), and the United States Supreme Court all refuse to make the respondent who is an attorney adhere to the LAW and protect the People and their Rights under the Law according to the Constitution of the United States.

Respectfully submitted,

Woodrow W. Williams Jr

WOODROW W. WILLIAMS, JR.
pro se

Geraldine J. Williams

GERALDINE J. WILLIAMS
pro se

DATED: March 23, 1998